

Attorney Docket No. P10334

**REMARKS/ARGUMENTS****1.) Claim Amendments**

The Applicant has canceled claims 25 and 26. Accordingly, claims 1-24 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1-3, 7-14, 16-19, 21-22 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Adoul, et al. (US 5,754,976) in view of Ubale, et al. (US 5,778,335). The Applicant has canceled claims 25 and 26. So, this rejection with respect to those claims is moot. With respect to the other claims, the Applicant respectfully traverses this rejection.

Claim 1 states:

1. A multi-codebook fixed bitrate CELP signal block encoding/decoding method, including the steps of:  
selecting, for each signal block, a corresponding excitation codebook identification from a pre-determined, signal block independent sequence of codebook identifications; and  
encoding/decoding each signal block by using an excitation codebook having said selected excitation codebook identification.

The Examiner states that Adoul teaches that the search complexity is drastically reduced by restraining the subset of code vectors being searched to code vectors or which a certain number of non-zero amplitude pulses meet a predetermined criteria, which according to the Examiner, reads on "selecting, for each signal block, a corresponding excitation codebook identification from a predetermined, signal block independent sequence of codebook identifications." The Applicant respectfully disagrees with the analysis:

The selecting step of claim 1 uses multiple excitation codebooks, but selects only one of them for each signal block. Note that the selection is signal block independent. It is also performed in accordance with a predetermined sequence of codebook

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identifications. Thus, this sequence is known (or can be calculated) by both the encoder and the decoder. For this reason there is no need to transfer a codebook identification from encoder to decoder. By selecting different codebooks for different signal blocks in this way, coding quality is increased without requiring increased band-width. The Applicant has searched Adoul for these features and could not find these elements in Adoul. Therefore, Adoul does not read on the selecting step of claim 1. Ubale does not make up for the deficiencies of Adoul. Therefore, the combination of Adoul and Ubale do not teach all of the claim elements of claim 1.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Office Action does not factually support a prima facie case of obviousness for claim 1 based on Adoul in light of Ubale.

The Examiner admits that Adoul does not teach that the system provides for a multi-codebook CELP coding/decoding system. However, the Examiner believes that Ubale discloses a method for efficient multiband CLEP wideband speech and music coding and decoding. The Applicant agrees that Ubale teaches that multiple adaptive codebooks may be used. However, in column 6, line 66 - column 7, line 1, it is also stated that if several codebooks are used, a pitch value for each adaptive codebook is transmitted. Thus, if multiple codebooks are used, no selection among them is performed. Instead one entry from each codebook is transmitted. Thus, Ubale actually teaches away from the combination claimed in claim 1. Therefore, a §103 rejection is not proper and should be withdrawn.

Independent claims 12, 19 and 22 are patentable for the same reasons that claim 1 is patentable. The dependent claims depend from independent claims and recite further limitations in combination with the novel elements of the independent claims. Therefore, the allowance of claims 2-11, 13-18, 19-21, and 23-24 is respectfully requested.

The Examiner rejected claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Adoul in view of Ubale, and further in view of Heidari, et al.

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(US 6,055,496). As discussed above, Adoul and Ubale do not disclose all the elements of claim one. Heidari does not make up for the deficiencies of Adoul and Ubale. Thus, claims 4 and 5 are also patentable. The Applicant, therefore, respectfully requests that the §103 rejection for claims 4 and 5 be withdrawn.

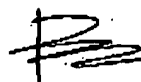
The Examiner rejected claims 6, 15, 20 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Adoul in view of Ubale, and further in view of Deller, et al. (1987, Discrete-Time Processing of Speech Signals). As discussed above, Adoul and Ubale do not disclose all the elements of claim one. Deller does not make up for the deficiencies of Adoul and Ubale. Thus, claims 6, 15, 20 and 23 are also patentable. The Applicant, therefore, respectfully requests that the §103 rejection for claims 6, 15, 20, and 23 be withdrawn.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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